

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC., and  
BAYER HEALTHCARE LLC,

Plaintiffs,

v.

BAXTER INTERNATIONAL INC., and  
BAXTER HEALTHCARE CORPORATION,

Defendants.

C.A. No. 05-349-GMS

Jury Trial Demanded

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BAXTER HEALTHCARE CORPORATION,

Counterclaimant,

v.

TALECRIS BIOTHERAPEUTICS, INC., and  
BAYER HEALTHCARE LLC,

Counterdefendants.

**PLAINTIFFS' THIRD NOTICE OF DEPOSITION TO BAXTER INTERNATIONAL  
INC. AND BAXTER HEALTHCARE CORPORATION  
PURSUANT TO FED.R.CIV.P. 30(b)(6)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, beginning on October 4, 2006 at 9:30 a.m., at the Hyatt Westlake Plaza in Thousand Oaks, 880 S. Westlake Blvd., West Lake Village, California, 91361, counsel for Plaintiffs Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC will take the deposition upon oral examination of Defendant Baxter International Inc. by and through one or more of its officers, directors, or managing agents, or other persons who are designated and consent to testify on its

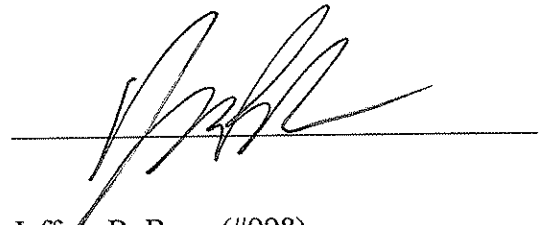
behalf, with respect to the matters described in Schedule A hereto. The person or persons so designated shall testify as to matters known or reasonably available to Defendant.

The deposition will be taken before an officer authorized to administer oaths and will continue from hour to hour and day to day until completed. You are invited to attend and cross-examine. Please be advised that this deposition may be recorded by videotape in addition to stenographic recording, which will include the use of LiveNote real time transcription.

August 31, 2006

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(212) 596-9000

*Attorneys for Bayer  
Healthcare LLC*

A handwritten signature in black ink, appearing to read 'Jeffrey B. Bove', is written over a horizontal line.

Jeffrey B. Bove (#998)  
Mary W. Bourke (#2356)  
Mark E. Freeman (#4257)  
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*Attorneys for Talecris Biotherapeutics, Inc.  
and Bayer Healthcare LLC*

## **EXHIBIT A**

### **DEFINITIONS**

Except as otherwise provided herein, Plaintiffs hereby incorporate by reference all definitions and instructions set forth in Plaintiffs' First Set of Requests for Documents and Things and Plaintiffs' First Set of Interrogatories (Nos. 1–8) as though fully set forth herein.

1. **"FDA"** means the United States Food and Drug Administration, any of its subdivision agencies, including the Center for Biologics Evaluation and Research, and any foreign regulatory entity charged with government regulatory authority over immune globulin, plasma-derived products, or biological products or intended or used for human or animal administration.

### **DEPOSITION CATEGORIES**

1. Clinical trials, specifically including all results and adverse events, performed on any liquid IGIV product, including, but not limited to, 5% liquid formulations, 10% liquid formulations, and GAMMAGARD Liquid, irrespective of past, present or future approval of the product by the FDA or any equivalent foreign regulatory agency.
2. Detailed protocols for clinical trials performed using any liquid IGIV, irrespective of past, present or future approval of the product by the FDA or any equivalent foreign regulatory agency.

**CERTIFICATE OF SERVICE**

I, JEFFREY B. BOVE, ESQUIRE, do hereby certify that I caused a true copy of the foregoing document **PLAINTIFFS' SECOND NOTICE OF DEPOSITION TO BAXTER INTERNATIONAL INC. PURSUANT TO FED.R.CIV.P. 30(b)(6)**, to be served upon the below listed in the manner indicated on August 31, 2006.

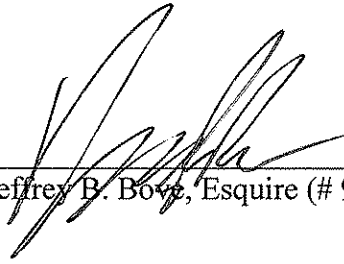
**Via Hand Delivery and E-Mail**

Philip A. Rovner, Esquire  
Potter Anderson & Corroon LLP  
Hercules Plaza  
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**Via Federal Express and E-Mail**

Susan Spaeth, Esquire  
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(415) 576-0200

By: \_\_\_\_\_

  
Jeffrey B. Bove, Esquire (# 998)